

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:05cv235**

**COMMERCIAL UNION INSURANCE )  
COMPANY, )**

**Plaintiff, )**

**Vs. )**

**R-ANELL HOUSING GROUP, LLC; )  
and MANUFACTURED BUILDINGS )  
INSURANCE COMPANY, LTD, )**

**Defendants. )**

**ORDER**

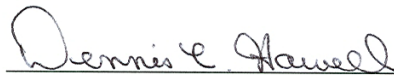
**THIS MATTER** is before the court on the court's own motion for status. Review of the court's docket reveals that this matter has been pending for 539 days and that the last activity in this case was a "voluntary dismissal," filed January 13, 2007, that purported to dismiss some but not all claims between parties. (The court has attempted to amend the caption, above, to reflect the parties which the docket still indicate as active). At the latest, a Certificate of Initial Attorneys' Conference was due to be filed not later than January 31, 2006, making such report overdue by nearly a year. Counsel for the respective parties shall file a joint report not later than January 31, 2007, showing cause why this action should not be summarily dismissed for failure to prosecute. While the undersigned is confident that the delay is due to oversight, counsel are respectfully advised that the undersigned typically imposes monetary fines for failure to timely file a CIAC.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the remaining parties, as reflected in the above caption, jointly file a status report and therein show cause why this action should not be summarily dismissed for failure to prosecute and why monetary fines should not be imposed for failure to submit the CIAC within the time allowed by the Local Rules.

To expedite matters, counsel are invited to place a joint call to chambers in Asheville, at (828) 771-7240.

Signed: January 24, 2007

\_\_\_\_\_

Dennis L. Howell  
United States Magistrate Judge

